

BOARD OF POLICE COMMISSIONERS

Minutes of the Regular Board of Police Commissioners Meeting Thursday, January 6, 2005

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, January 6, 2005, at 3:00 p.m., at Police Headquarters, 1300 Beaubien – Rm. 328-A, Detroit, Michigan 48226.

ATTENDANCE

Board Members Present

Arthur Blackwell, II (**ABS**)
Erminia Ramirez
Jim Holley (**ABS**)
Megan Norris
Willie Hampton

Department Personnel Present

AC Walter Shoulders
AC Walter Martin
Lt. Lawrence Roosevelt
Sgt. Kevin Miller
Sgt. Debbie Jackson
PO Bernard Beck-o-steen
Atty. Nancy Ninowski

Board Staff Present

Dante' L. Goss, Executive Director
E. Lynise Bryant-Weekes, Personnel Director (**ABS**)
Denise R. Hooks, Attorney/Supervising Inv.
Arnold Sheard, Interim Chief Investigator (**ABS**)
Ainsley Cromwell, Supervising Investigator

OTHERS PRESENT

Ron Scott
Sandra Hines
Anthony Lane
Atty. John Goldpaugh, DPOA

RECORDERS

Jerome Adams
Kellie Williams

1. CALL TO ORDER

Vice-Chairperson Ramirez called the regular meeting of the Detroit Board of Police Commissioners to order at 3:15 p.m.

2. APPROVAL OF MINUTES

♦ Tuesday, December 21, 2004

MOTION: **Comm. Hampton** made the motion to approve the above Minutes.

SECOND: **Comm. Norris** seconded the motion.

VOTE: All in attendance voted in the affirmative.

♦ Tuesday, December 28, 2004

MOTION: **Comm. Hampton** made the motion to approve the above Minutes.

SECOND: **Comm. Norris** seconded the motion.

VOTE: All in attendance voted in the affirmative.

3. REPORT FROM THE CHAIR

RESOLUTION HONORING ASSISTANT CHIEF HAROLD N. CURETON

WHEREAS Harold N. Cureton was appointed to the Detroit Police Department on July 10, 1972. Upon graduation from the Detroit Metropolitan Police Academy, Police Officer Cureton began his illustrious career at the Tactical Mobile Unit. His other assignments included the First Precinct, the Records' Court Section, the Narcotics Section, the Court Services Section, the Second Precinct, and the Disciplinary Administration Unit; and

WHEREAS On February 1, 1980, Officer Cureton was promoted to the rank of Sergeant and continued his assignment with the Disciplinary Unit. His other assignments as a sergeant included the Special Crime Sections, where he worked for four years, until his transfer to the Internal Affairs Section; and

- WHEREAS** On January 10, 1986, Sergeant Cureton was promoted to the rank of Lieutenant and remained at the Internal Affairs Section until his transfer to the First Precinct on January 14, 1994. As a lieutenant, he also did stints with the Communications Operations Section and the Major Crimes Division before returning to the Special Crimes Section; and
- WHEREAS** On February 14, 1995, Lieutenant Cureton was appointed to the rank of Inspector and remained at the Special Crimes Section. Inspector Cureton's other assignments included the Office of the Executive Deputy Chief, the Assistant Chief's Staff and the Narcotics Support Division; and
- WHEREAS** On May 14, 1999, Inspector Cureton was appointed to the rank of Commander and continued with the Narcotics Support Division. In July 2001, he transferred to the Narcotics Enforcement Division; and
- WHEREAS** On July 25, 2001, Commander Cureton was appointed to the rank of Deputy Chief and was assigned to the Central Services Bureau and later to the Professional Accountability Bureau; and
- WHEREAS** On October 27, 2003, Deputy Chief attained the rank of Assistant Chief and was placed in command of the Investigations Portfolio, where he remained until his retirement on November 1, 2004; and
- WHEREAS** Assistant Chief Cureton has a Bachelor's degree in Criminal Justice, a Master's degree in Interdisciplinary Technology, and is a graduate of Northwestern University Traffic Institute School of Police Staff and Command. Additionally, Deputy Cureton is a certified assessor and has traveled around the country assisting other law enforcement agencies in their promotional processes; and
- WHEREAS** During his 32-year career, Assistant Chief Cureton was the recipient of seven (7) Chief's Unit Awards, five (5) Chief's Merit Awards, three (3) Perfect Attendance Awards, the 1980 GOP Commemorative Award, the 1981 Detroit Chamber of Commerce Award, as well as numerous letters of praise and appreciation from the public he served;

NOW, THEREFORE BE IT

RESOLVED That the Detroit Board of Police Commissioners, speaking for the citizens of the city of Detroit and for the Detroit Police Department, acknowledges the honesty, integrity, loyalty and courage of Assistant Chief Cureton. His outstanding personal standards, dedication to service and record of innovation are widely respected in law enforcement circles and by the public, and merits our highest regard and best wishes for continued success.

We salute and congratulate you, Assistant Chief Harold N. Cureton.

DETROIT BOARD OF POLICE COMMISSIONERS

/s/Arthur Blackwell
Chairperson

/s/Erminia Ramirez
Vice Chairperson

/s/ Megan P. Norris
Commissioner

/s/Jim Holley
Commissioner

/s/Willie Hampton
Commissioner

**RESOLUTION HONORING
LIEUTENANT SHELLEY I. FOY**

WHEREAS Lieutenant Shelley I. Foy retired on January 10, 2005, from the Detroit Police Department after twenty-seven (27) years of exemplary and dedicated service to the citizens of Detroit; and

WHEREAS On September 19, 1977, Shelley Foy was appointed to the Detroit Police Department. Upon graduation from the Detroit Metropolitan Police Academy, Police Officer Foy was assigned to the Fifth Precinct; and

WHEREAS As a police officer, her assignments included the Third Precinct, the Seventh Precinct, and the Sex Crimes Unit; and

WHEREAS Officer Foy was promoted to the rank of Investigator on October 9, 1987, and continued her assignment at the Sex Crimes Unit; and

WHEREAS Investigator Foy was promoted to the rank of Sergeant on August 19, 1988, and remained at the Sex Crimes Unit. Her other assignments included the Seventh Precinct and the Commercial Auto Theft Section before being transferred to the Child Abuse Unit, where she remained for fifteen (15) years; and

WHEREAS Sergeant Foy was promoted to the rank of Lieutenant on May 21, 1999, and served as the commanding officer of the Child Abuse Unit, where she remained until her retirement. While assigned to the Child Abuse Unit, she developed several initiatives and received nearly three million dollars in grant funding from local, states and federal government agencies. The purpose for obtaining the grants was to reduce child abuse and/or child neglect cases in the city of Detroit; and

WHEREAS In an effort to better improve services to children and their families, Lieutenant Foy was instrumental in relocating the Child Abuse Unit to the Wayne County Child and Family Services, Child Protective Services facility. The relocation allowed the Child Abuse Unit to ensure a rapid, effective and efficient response to child abuse victims or neglect complaints; and

WHEREAS During her career, Lieutenant Foy was the recipient of numerous awards and citations, including the 1980 GOP Commemorative Award, two (2) Chief's Merit Awards, four (4) Chief's Unit Awards, eight (8) Perfect Attendance Awards, the "Business United with Officers and Youth, Joseph J. Beshara, "1991 Patrol Officer of the Year" Award, and numerous letters of appreciation and commendation. She also served as a board member for several family-oriented community organizations,

NOW THEREFORE BE IT

RESOLVED That the Board of Police Commissioners, speaking for the citizens of the city of Detroit and the Detroit Police Department, acknowledges the outstanding commitment, dedication and loyalty with which Lieutenant Foy served the citizens of Detroit and the Department. Her professionalism and commitment to public service, especially our youth, merit our highest regards and well wishes for the future.

We salute and congratulate you, Lieutenant Shelley I. Foy.

DETROIT BOARD OF POLICE COMMISSIONERS

/s/Arthur Blackwell

/s/Erminia Ramirez

Chairperson

Vice Chairperson

/s/ Megan P. Norris
Commissioner

/s/Jim Holley
Commissioner

/s/Willie Hampton
Commissioner

RESOLUTION HONORING LIEUTENANT THOMAS H. WALTON, JR.

- WHEREAS** On September 22, 1969, Thomas H. Walton, Jr. was appointed to the Detroit Police Department. Upon graduation from the Detroit Metropolitan Police Academy, Police Officer Walton was assigned to the Patrol Section at the First Precinct, where he worked for ten years; and
- WHEREAS** In May 1974, under the Administration of the late Honorable Coleman Alexander Young, Officer Walton opened the fourth mini-station in Detroit. That mini-station served the residents of the Brewster-Douglas Homes for many years; and
- WHEREAS** February 3, 1980, Officer Walton was promoted to the rank of Sergeant and was transferred to the Thirteenth Precinct, where his assignments included Patrol and the Special Operations Platoon; and
- WHEREAS** Sergeant Walton was promoted to the rank of Lieutenant on October 3, 1995, and assigned to the First Precinct Special Operations Platoon. His other assignments included the Thirteenth Precinct Patrol Operations, the Notification and Control Unit, the Communication Operations Section and the First Precinct Administration, where he remained until his retirement; and
- WHEREAS** Lieutenant Thomas H. Walton, Jr. retired for the Detroit Police Department on October 15, 2004, after 35 years of dedicated service. During his career, Lieutenant Walton was the recipient of numerous awards and citations, including the 1980 GOP Commemorative Award, two Chief's Unit Awards,

two Chief Merit Awards, four Perfect Attendance Awards, and numerous letters of appreciation and commendation. He also has extensive specialized/advanced training;

NOW THEREFORE BE IT

RESOLVED

That the Board of Police Commissioners, speaking from the citizens of the city of Detroit and the Detroit Police Department, acknowledges the outstanding commitment, dedication and loyalty with which Lieutenant Walton served the citizens of Detroit and the Department. His professionalism and commitment to public service merit our highest regards and well wishes for the future.

We salute and congratulate you, Lieutenant Thomas H. Walton, Jr.

DETROIT BOARD OF POLICE COMMISSIONERS

/s/Arthur Blackwell
Chairperson

/s/Erminia Ramirez
Vice Chairperson

/s/ Megan P. Norris
Commissioner

/s/Jim Holley
Commissioner

/s/Willie Hampton
Commissioner

**RESOLUTION HONORING
SERGEANT FREDERICK L. DAVIS, JR.**

WHEREAS Sergeant Frederick L. Davis, Jr. retired on December 17, 2004, from the Detroit Police Department after thirty-three (33) years of exemplary and dedicated service to the citizens of Detroit; and

WHEREAS On September 13, 1971, Frederick Davis, Jr., was appointed to the Detroit Police Department. Upon graduation from the Detroit Metropolitan Academy, Police Officer Davis began his illustrious career at the Tactical Mobile Unit; and

WHEREAS As a police officer, his assignments also included the Headquarters Bureau, the Surveillance Unit, the Youth Section, the Special Crime Section, the Fourteenth Precinct, the Commercial Auto Theft

Section, Wayne-Macomb Auto Theft Unit and the Office of the Chief and the Thirteenth Precinct; and

WHEREAS Police Officer Davis was promoted to the rank of Sergeant on July 24, 1998, and returned to the Commercial Auto Theft Section. His other assignment included the Vehicle Identification Team, a unit under the Investigations Operations Division, where he remained until his retirement; and

WHEREAS During his career, Sergeant Davis was the recipient of the 1980 GOP Commemorative Award, six (6) Chief's Unit Awards, five (5) Departmental Citations, three (3) Chief's Citation Awards, two (2) Chief's Merit Awards, and numerous letters of appreciation and commendation,

NOW THEREFORE BE IT,

RESOLVED That the Board of Police Commissioners, speaking for the citizens of the city of Detroit and the Detroit Police Department, acknowledges the outstanding commitment, dedication and loyalty with which Sergeant Davis served the citizens of Detroit and the Department. His professionalism and commitment to public service merit our highest regards and well wishes for the future.

We salute and congratulate you, Sergeant Frederick L. Davis, Jr.

DETROIT BOARD OF POLICE COMMISSIONERS

/s/Arthur Blackwell
Chairperson

/s/Erminia Ramirez
Vice Chairperson

/s/ Megan P. Norris
Commissioner

/s/Jim Holley
Commissioner

/s/Willie Hampton
Commissioner

MOTION: **Comm. Norris** made the motion to adopt the above Resolutions.

SECOND: **Comm. Hampton** seconded the motion.

VOTE: All in attendance voted in the affirmative.

4. SECRETARY'S REPORT – EXEC. DIR. GOSS

SUSPENSIONS

On January 6, 2005, **Police Officer Joe Williams**, Badge 4569, assigned to the Eighth Precinct, was suspended **without pay** by Chief Ella M. Bully-Cummings.

On Wednesday, January 5, 2005, the Professional Accountability Bureau Internal Affairs Section was notified of an allegation of misconduct on the part of Police Officer Joe Williams, Badge 4569, assigned to the Eighth Precinct. More specifically, the allegation of misconduct concerned converting Detroit Police Department property, that being a controlled substance, for his own use. As a result, an Internal Affairs investigation was initiated.

The Internal Affairs investigation revealed the following:

On December 25, 2004, at approximately 11:20 a.m., Officer Williams and his partner were dispatched to Sinai Grace Hospital, located at 6771 West Outer Drive, within the city of Detroit, in response to a 911 emergency call placed by the Security Officer. Upon arriving at Sinai Grace Hospital, Officer Williams and his partner met with the security officer and were advised that a patient checked into the Hospital for medical treatment with 11 bags of suspected marijuana. Subsequently, the 11 bags of suspected marijuana were turned over to Officer Williams and his partner. Officer Williams' partner signed the Sinai Grace Hospital property book, acknowledging receipt of same.

On January 4, 2005, the security officer for Sinai Grace Hospital contacted the Eighth Precinct to inquire as to the status of the suspected marijuana, and whether the officers had the correct name of the patient. At that time, Eighth Precinct personnel conducted a search and were unable to locate the suspected marijuana. The search concerned the Eighth Precinct Property Book, the Detroit Police Department's Computerized Property In-take Log and the Narcotics Section's Prisoner Processing Unit. Additionally, Officer Williams' Activity Log gave no indication that 11 bags of suspected marijuana had been confiscated. The Activity Log simply indicated that Officer Williams and his partner responded to Sinai Grace Hospital, spoke to the security officer, and that the situation had been resolved.

The Detroit Police Department's procedure dictates, that as concerns the confiscation of property, whether it be for evidence of a crime, safe keeping, found property, or personal property, it be affixed with an evidence tag, logged into the Precinct Property Book and then taken to the Precinct or Command's LEIN Operator, who enters the property into the computer system and, in the case of suspected narcotics, the LIEN Operator then gives the officer a

transfer property receipt. The officer is then required to take the suspected narcotics to the Narcotics Section Prisoner Processing Unit, where it is then logged into the Narcotics Section and stored along with the original Preliminary Complaint Record. The officer is given a receipt for the suspected narcotics with the evidence tag number indicated thereon. The receipts, as well as a copy of the Preliminary Complaint Record, are kept at the Command, which in this case would be the Eighth Precinct. In this case, none of the above occurred. As to the whereabouts of the property confiscated, it is left to pure conjecture that it was thrown away, used, sold, or kept.

On January 5, 2005, Officer Williams was ordered to appear at the Internal Affairs Section. Whereupon, he was read his constitutional rights consistent with Miranda v. Arizona, 384 U.S. 436 (1966), and chose not to make a statement upon advice of legal counsel.

Also, on January 5, 2005, Officer Williams was ordered to report to Concentra Health Services for a just cause drug screening, the results of which are still pending.

Based on the above circumstances, it is recommended that Officer Williams be charged with, but not limited to, the following violation of the Detroit Police Department Rules and Regulations:

CHARGE: CONDUCT UNBECOMING AN OFFICER; CONTRARY TO THE LAW ENFORCEMENT CODE OF ETHICS, THIS BEING IN VIOLATION OF THE DETROIT POLICE DEPARTMENT MANUAL, SERIES 100, DIRECTIVE 102.3-5.7, CONDUCT, UNPROFESSIONAL, COMMAND 3.

On January 6, 2005, **Police Officer Wanavia Wilson**, Badge 2092, assigned to the Eighth Precinct, was suspended without pay by Chief Ella M. Bully-Cummings.

On Wednesday, January 5, 2005, the Professional Accountability Bureau Internal Affairs Section was notified of an allegation of misconduct on the part of Police Officer Wanavia Wilson, Badge 2092, assigned to the Eighth Precinct. More specifically, the allegation of misconduct concerned converting Detroit Police Department property, that being a controlled substance, for her own use. As a result, an Internal Affairs investigation was initiated.

The Internal Affairs investigation revealed the following:

On December 25, 2004, at approximately 11:20 a.m., Officer Wilson and her partner were dispatched to Sinai Grace Hospital, located at 6771 West

Outer Drive, within the city of Detroit, in response to a 911 emergency call placed by the Security Officer. Upon arriving at Sinai Grace Hospital, Officer Wilson and her partner met with the security officer and were advised that a patient checked into the Hospital for medical treatment with 11 bags of suspected marijuana. Subsequently, the 11 bags of suspected marijuana were turned over to Officer Wilson and her partner. Officer Wilson signed the Sinai Grace Hospital property book, acknowledging receipt of same.

On January 4, 2005, the security officer for Sinai Grace Hospital contacted the Eighth Precinct to inquire as to the status of the suspected marijuana, and whether the officers had the correct name of the patient. At that time, Eighth Precinct personnel conducted a search and were unable to locate the suspected marijuana. The search concerned the Eighth Precinct Property Book, the Detroit Police Department's Computerized Property In-take Log and the Narcotics Section's Prisoner Processing Unit. Additionally, Officer Williams' Activity Log gave no indication that 11 bags of suspected marijuana had been confiscated. The Activity Log simply indicated that Officer Williams and his partner responded to Sinai Grace Hospital, spoke to the security officer, and that the situation had been resolved.

The Detroit Police Department's procedure dictates, that as concerns the confiscation of property, whether it be for evidence of a crime, safe keeping, found property, or personal property, it be affixed with an evidence tag, logged into the Precinct Property Book and then taken to the Precinct or Command's LEIN Operator, who enters the property into the computer system and, in the case of suspected narcotics, the LIEN Operator then gives the officer a transfer property receipt. The officer is then required to take the suspected narcotics to the Narcotics Section Prisoner Processing Unit, where it is then logged into the Narcotics Section and stored along with the original Preliminary Complaint Record. The officer is given a receipt for the suspected narcotics with the evidence tag number indicated thereon. The receipt, as well as a copy of the Preliminary Complaint Record are kept at the Command, which in this case would be the Eighth Precinct. In this case, none of the above occurred. As to the whereabouts of the property confiscated, it is left to pure conjecture that it was thrown away, used, sold, or kept.

On January 5, 2005, Officer Wilson was ordered to appear at the Internal Affairs Section. Whereupon, she was read her constitutional rights consistent with Miranda v. Arizona, 384 U.S. 436 (1966), and chose not to make a statement upon advice of legal counsel.

Also, on January 5, 2005, Officer Wilson was ordered to report to Concentra Health Services for a just cause drug screening, the results of which are still pending.

Based on the above circumstances, it is recommended that Officer Wilson be charged with, but not limited to the following violation of the Detroit Police Department Rules and Regulations:

CHARGE: CONDUCT UNBECOMING AN OFFICER; CONTRARY TO THE LAW ENFORCEMENT CODE OF ETHICS, THIS BEING IN VIOLATION OF THE DETROIT POLICE DEPARTMENT MANUAL, SERIES 100, DIRECTIVE 102.3-5.7, CONDUCT, UNPROFESSIONAL, COMMAND 3.

Comm. Norris entered the conference room.

Vice-Chairperson Ramirez stated we started as a Committee of the Whole; we do have a quorum here now.

Atty. Goldpaugh stated for expedience sake, it is my understanding that there is a petition also filed by the Law Department with respect to Police Officer Williams' partner.

Comm. Norris asked is that Officer Wanavia Wilson?

Atty. Goldpaugh stated that is correct.

Exec. Dir. Goss stated badge 2092.

Atty. Goldpaugh stated the language of that is identical, so I would waive a reading of the language and ask that I would be able to present the case in respect to both at this time?

Vice-Chairperson Ramirez asked Exec. Dir. Goss to read the suspension without pay request for Officer Wanavia Wilson.

Atty. Hooks stated just put the name and the badge number on the record.

Exec. Dir. Goss stated we are going to add that with Officer Williams.

Atty. Goldpaugh stated on behalf of Officer Williams and Officer Wilson, to be honest with you, I am somewhat taken back that I am here arguing that these officers should be suspended or should not be suspended without pay based on these allegations. First of all, the reason that I say that is because what we have here are some mere allegations that something may have occurred. But, second of all, even if we have allegations and they did something improper. Clearly, their actions as set forth in the petition do not rise to any type of criminal activity, but probably arise out of some sort of a violation of rules and regulations with respect to properly securing property or properly making

notifications. As the petition itself states, with respect to both officers, it is pure conjecture as to what has happened to these drugs. It could have been thrown away, could have been used, could have been sold or could have been kept.

Comm. Norris asked would you agree that none of those would be acceptable?

Atty. Goldpaugh stated I would agree that none of those would be acceptable. However, I would disagree that any of those except for the kept, used or sold, which we have no allegations would warrant dismissal or a suspension without pay. And, because there is mere conjecture and these officers have not explained, if in fact, what occurred. And, I would suggest that we've had numerous cases, where drugs have been confiscated and they have been basically sewered. It's wrong, but we know it happens. When you look at this scenario and I would provide you with a copy of the statement taken just now by the officer in charge of the case or by Ms. Ninowski, by Mr. Barry. Mr. Barry explains in his statement how he came into possession of the drugs and I would clearly submit to you that what this basically shows is that some drugs were recovered, but there was no defendant and there was no case that was going to come out of this based on the circumstances of how the drugs came into the officers' possession. In other words, eventually this was going to become no case. I would suggest that there is sufficient information in the petition to show that these officers, if that is what they did, realize well I haven't got a case here, I am too lazy or whatever to do the paperwork, that's my words, not theirs or I probably should have put this on paper as being confiscated and here it is, but instead took it and threw it away or did something improper with it. It is very hard to imagine that, at this point in time, when the officers are now being investigated. We received a phone call yesterday saying that these officers' were to come down for a drug-screening test, not that they were going to be there to be questioned about any type of criminal activity. So, when my associate was there, initially he thought that this is what we are there for. It is ironic that they are getting the Miranda Rights without being able to explain the situation. Of course, they don't make a statement because they are going to be ordered to submit to a drug test. And then, it is ironic that when they are ordered to submit to the drug test, which of course they have to comply with, under reasonable suspension, though I doubt very much that this would hold up reasonable suspension for ten days later, but regardless they complied with that order and when that order was read, but it specifically use to say that you are being ordered to submit for the drug screening and this is only for departmental purposes. Yet, the form that they were read, in fact Mr. Stolberg relayed this to me today, was that portion that said that it was only for departmental purposes and was being...could not be used them of course was crossed out.

Comm. Norris stated that's a different issue than what we heard today.

Atty. Goldpaugh stated it is not a different issue, only because if you note in there they are very glad to tell you that well that they were given a chance to make a statement under Miranda and choose not to make a statement. In other words, they exercised their constitutional rights. And, yet we now, without an investigation into this matter, other than we looked and can't find where these drugs are documented, they want to turn this into a suspension without pay. If you look at the entire matter I think this is a situation where there wouldn't have been any criminal activity against these officers to begin with. And, therefore the appropriate investigation should have been brought down there when they got this information and then brought them down and if there was truly criminal activity, and clearly it doesn't appear at this point in time that there would have been, then at least they could have been ordered to answer questions under Garrity and still could have then gotten the explanation. Whether that is acceptable or not that is something else. But, to then jump from, here is the Miranda Rights, we are charging you with anything and we want to suspend you without pay, that's what occurred here. And, that is why a suspension without pay at this time is inappropriate.

Vice-Chairperson Ramirez stated according to this, eleven (11) bags were turned over to Officer Williams.

Atty. Goldpaugh stated that's Officer Williams or Officer Wilson, that's correct.

Comm. Norris stated these two (2) officers had eleven bags.

Atty. Goldpaugh stated that's correct.

Vice-Chairperson Ramirez asked in their possession?

Atty. Goldpaugh stated that's correct.

Comm. Norris stated and eleven (11) bags are now gone.

Atty. Goldpaugh stated that's correct.

Comm. Norris stated as Mr. Goldpaugh says we don't know where they have gone. But, what we do know is that these two officers had eleven (11) bags and now the eleven (11) bags are gone. It was these officers responsibility to get those bags to the right places. So, although we don't know where they went, we do know under whose watch they went wherever they went.

Atty. Goldpaugh stated they maybe sitting someplace in the Narcotics Section or maybe it was improperly logged. We don't know, at this point in time. They walked out with the drugs.

Comm. Hampton asked what is the appropriate penalty if they were thrown away, kept, sold or used? Is that a violation of the rules?

Atty. Goldpaugh stated yes, there is a violation of the rules and regulations even if they were just thrown away. I don't disagree with that. However, that does not, at this point in time, without knowing more, rise to the level of a suspension without pay of a violation of Article 9. That's what we are here for, not to get into the subject matter. I have been here a number of times, where we brought mere allegations and this Board has acted one way or the other and then eventually something comes up.

Comm. Norris stated that is very rare. I know we disagree, but every suspension without pay that comes to us, including the ones that you don't contest that are felonies all come to us as allegations. At this stage of the process that is all we've ever had. The question always is whether the allegations rise to the level of something that warrants a suspension without pay.

Atty. Goldpaugh stated I agree. One of the other things that you must realize is that when we are dealing with Article 9, we are dealing with a situation whereas can these officers continue on the payroll. You have two alternatives, of course you could just keep them suspended with pay, but that doesn't make sense to me when there is a shortage of manpower out there and they could just as easily be working inside while this is being resolved. However, that's what an Article 9 argument is, even though they are allegations. They had been working since Christmas day when this happened, until yesterday.

Comm. Hampton asked is it your position that in the past similar situations warranted a suspension without pay or with pay?

Atty. Goldpaugh stated similar situations would not warrant suspension without pay at this point in time?

Comm. Norris asked how about stealing from the property room?

Atty. Goldpaugh stated stealing from the property room, if in fact...?

Comm. Norris stated assume somebody stole eleven bags from the property room and we didn't know what they did with the eleven (11) bags, we didn't know if they smoked it or sold it or threw it away. But, we knew that there were eleven (11) bags in the property room and they wrongly stole those eleven (11) bags. Would they get dismissed?

Atty. Goldpaugh stated I would assume that would be the outcome. However, we don't have a theft case in this particular matter and we don't

have property that was surreptitiously taken from the property room in attempt to hide it from somebody. What we have here is...it doesn't make sense. We don't have officers, who didn't sign for something. They signed for it and took it out. They left with it knowing that other people knew they had it. That's where I feel probably what happened without talking to them or knowing what happened, they saw there is not a case here and they are inexperienced officers and probably decided that I am just going to dump this and get rid of it. But, that is speculating.

Vice-Chairperson Ramirez asked how many years...?

Atty. Goldpaugh stated that is not unusual because it has happened in the past.

Vice-Chairperson Ramirez asked how many years have these officers been on the Detroit Police Department?

Atty. Goldpaugh stated one has been on the job about four years and the other about four or five years.

Comm. Norris stated we are not going to speculate what they did with it in your way any more than we are going to speculate that they sold it. But, the issue is they had it, it was supposed to remain in custody in control of DPD, it is gone and there is nobody else to point to for it being gone than those two (2) officers.

Atty. Goldpaugh stated I don't disagree with that for this argument. I do disagree that this is not a suspension...

Atty. Norris stated I understand that these are allegations.

Atty. Ninowski stated Mr. Goldpaugh and I agree on one issue and that is does the conduct of Officer Williams and Officer Wilson rise to the level warranting a suspension without pay. Of course, the department's position is that it does. What we know is that the officers responded to a call for a police run at Sinai Grace Hospital and took possession of eleven (11) bags of marijuana. Officer Wilson signed for those eleven (11) bags of marijuana, acknowledging receipt. We know that the officers had those bags of marijuana in their possession. We also know that they did make an entry on their activity log indicating that they were in possession of eleven bags of marijuana. Although the police run is theirs, it says to Sinai Grace, problem resolved. We also know that the department does not have the eleven (11) bags of marijuana. Those are the things that we know. So, in terms of it being egregious, yeah it is egregious. I would like to make four points, to make my argument brief. One, it is blatant neglect of duty; they just didn't do their jobs. They are paid to do a job and they didn't do it. Two, you have a serious issue

of trust here. These officers swore to uphold the rules and regulations, the laws, the ordinances, and they didn't do it. If I were a citizen, I would want to know that an officer responding to my run is doing what he or she is supposed to do. Three, you also have the issue of public safety. We don't know where those drugs are. This department has spent millions of dollars of the last number of years trying to take drugs off the city streets. Unfortunately, we've seen a number of killings over drugs. We don't know where these drugs are; hopefully they are not out in the public. Four, what you had is a deliberate indifference on the part of these officers, missing in action and that is what carves this department in the eyes of the community and we can't have that. I think for those reasons we would respectfully request that you concur with the Chief's recommendation to suspend the duty status of Officer Williams and Officer Wilson without pay. Thank you.

Unless contravened by this Commission, the above suspensions without pay will stand.

There were no contraventions to the above suspensions without pay.

GENERAL ORDERS

The following Directives will be presented and discussed at the Board of Police Commissioners' Community meeting on January 6, 2005:

- **DIRECTIVE 102.4: DISCIPLINE**
- **DIRECTIVE 202.7: FOOT PURSUIT**

CITIZEN COMPLAINTS RECEIVED

	<u>This Week</u>	<u>Year to Date</u>
2005 - Weekly Count of Complaints:	14	14
2004 - Weekly Count of Complaints:	0	0

- The Office of the Chief Investigator (OCI) closed a total of **11** cases this week.
- The Office of the Chief Investigator submitted **7** cases to the Chief's Office. The Chief's Office has reviewed and returned **7** cases to OCI.

5. REPORT/PRESENTATION – CHIEF OF POLICE

DETROIT POLICE DEPARTMENT

REPORT TO THE BOARD OF POLICE COMMISSIONERS

Vision Statement

BUILDING A SAFER DETROIT THROUGH COMMUNITY PARTNERSHIPS.

The Detroit Police Department is committed to uphold its mission to provide a safe environment for our residents and businesses. This effort is not possible without the joint commitment of the community and the Police Department. We appreciate and value the role our citizens have played in helping us to take guns and drugs off the streets of the city of Detroit.

SPECIAL ENFORCEMENT ACTIONS

During the period of December 27th – January 4th, the *Narcotics Enforcement and Conspiracy Units* conducted 11 search warrants and 35 street enforcement actions within the boundaries of the city of Detroit, resulting in the following arrests and confiscations:

- ◆ 23 Felony arrests
 - ◆ 58 Misdemeanor arrests
 - ◆ 2 Juveniles detained
 - ◆ 28.6 Grams of cocaine, 28.1 grams of heroin, 20 pills and 1,473.1 grams of marijuana - street value **\$18,656.00**
 - ◆ \$9,585.00 U.S. currency
- Confiscated:
- ◆ 3 Handguns
 - ◆ 2 Long guns
 - ◆ 1 Vehicle

The Vice Unit

On December 29th, officers of the Vice Unit conducted an Offer to Engage (OTE) operation within the boundaries of the 3rd precinct. While conducting this operation, the officers observed two (2) men removing furniture from a vacant building. **As a result of their efforts, the following arrest(s) and confiscations were made:**

- ◆ 5 arrested for “Offer to Engage”
 - ◆ 1 arrested for “Aiding and Abetting”
 - ◆ 2 arrested for “Breaking and Entering – Business”
- Confiscated:
- ◆ 5 Vehicles

The Gang Enforcement Section

On December 29th, officers of the Gang Enforcement Section and Operation Gun Stop executed a search warrant in the 3200 block of Coplin, resulting in the following arrests and confiscations:

- ◆ 4 arrested for "Violation of Controlled Substance Act"
- ◆ 1 arrested for "Loitering in Place of Illegal Occupation"
- ◆ 65.4 Grams of cocaine and 465 grams of marijuana – street value \$28,020.00
- ◆ 1 Handgun
- ◆ 3 Long guns

Police/Community Intervention



TAKING THE GUNS OFF THE STREET !



**Total Guns Confiscated
Year-to-Date
4,377**

FIRST PRECINCT

On January 1st, officers of the 1st Precinct responded to the area of Gratiot and Brush on an "Armed Robbery, Just Happened" run. As the result of an investigation, one (1) man was arrested for "Armed Robbery" and "Felony Firearm." Additionally, the man confessed to being involved in two (2) other robberies in the area.

SECOND PRECINCT

On January 1st, officers of the 2nd Precinct while on patrol in the area of Grand River and Greenfield were flagged down by a citizen on a "Carjacking." Subsequent to an investigation, three (3) men were arrested for "Carrying Concealed Weapon - Motor Vehicle" and "Armed Robbery." Confiscated were one (1) shotgun and two (2) knives.

FIFTH PRECINCT

On December 31st, officers of the 5th Precinct while on patrol in the area of Shoemaker and Cadillac observed a vehicle with expired plates. Further investigation resulted in one (1) man being arrested for "Carrying Concealed Weapon – Motor Vehicle." Confiscated was a blue steel automatic handgun.

EIGHTH PRECINCT

On January 1st, officers of the 8th Precinct while on patrol in the area of Outer Drive and Grove observed a vehicle disregard a red signal. The officers conducted a traffic stop, which resulted in the arrest of two (2) women for "Possession of a Stolen Motor Vehicle."

NINTH PRECINCT

On January 1st, officers of the 9th Precinct while on patrol in the 19000 block of Runyon observed a man firing an assault weapon on the street corner. Subsequent to an investigation, one (1) man was arrested for "Felony Firearm." Confiscated were three (3) assault rifles, one (1) shotgun and one (1) handgun.

TENTH PRECINCT

On December 29th, officers of the 10th Precinct while on patrol in the area of Epworth and Tireman observed a vehicle traveling at a high rate of speed. As the result of an investigation, one (1) man was arrested for "Carrying Concealed Weapon -Person." Confiscated was a nickel-plated revolver.

ELEVENTH PRECINCT

On December 29th, officers of the 11th Precinct received a police run to 18438 Van Dyke, Caesar's Liquor Store, on a "Breaking and Entering Alarm." Subsequent to an investigation, one (1) man was arrested for "Breaking and Entering." Confiscated was a stolen Dodge pick-up, which was used to gain entry into the building.

Chief of Police Ella M. Bully-Cummings

6. APPROVAL OF GENERAL ORDERS

- **DIRECTIVE 306.1: EVIDENCE AND PROPERTY HANDLING**
- **DIRECTIVE 404.1: DEFINITIONS**

MOTION: **Comm. Norris** made the motion to approve the above Directives.

SECOND: **Comm. Hampton** seconded the motion.

VOTE: All in attendance voted in the affirmative.

7. REQUEST TO ACCEPT GRANT AUTHORITY

The Michigan Commission on Law Enforcement Standards (MCOLES) is offering a grant opportunity to law enforcement agencies entitled ***“Be Prepared! The Conference for Proactive Policing.”***

The grant is designed to implement a cost effective training block to enhance the skills of police executives and officers. The training will prepare participants to improve their decision-making and reaction processes. Many new crimes and methods of criminality have forced law enforcement agencies to develop new crime fighting techniques and approaches. In addition, the training conference will unite police officials and officers within the Detroit metropolitan area.

The Training Division will receive a grant award in the amount of **\$14,117.00**. There is **no cash match** required by the city of Detroit.

Comm. Norris asked is that staff money? What does that money cover? What does that money go for?

AC Shoulders stated we could get the answer for you at a later date.

MOTION: **Comm. Hampton** made the motion to approve the above Minutes.

SECOND: **Comm. Norris** seconded the motion.

VOTE: All in attendance voted in the affirmative.

8. OTHER BUSINESS

There was no other business.

9. ANNOUNCEMENT OF NEXT MEETING

Thursday, January 13, 2005 @ 6:30 p.m.
Greater Emmanuel Institutional Church of God in Christ
19190 Schaefer Highway
Detroit, MI 48235

10. **ORAL COMMUNICATION FROM THE AUDIENCE**

Sandra Hines read the following press release:

(See Attachment)

Ms. Hines asked what is happening as it relates to these officers, who were involved in a shooting incident on Russell and Canfield? What is the status of the case? Are these people being charged?

Vice-Chairperson Ramirez asked is there any investigation being done?

AC Shoulders stated at the present time it is being investigated. Once we receive the evidence and statements from witness, we will present it to the Prosecutor's Office.

Ms. Hines asked are those people still working? Are those officers still on the street?

AC Shoulders stated yes, I believe that they are.

Ms. Hines stated a pattern is being set where the Detroit Police Officers are shooting citizens and asking questions later.

Comm. Norris asked is this shooting on video?

AC Shoulders stated I am not sure, but we are looking into that. We are trying to collect and gather all of the evidence as it relates to this, so that everything is done fair.

Anthony Lane stated he lives in a two family flat. On July 27, 2003, the police department did surveillance on the house downstairs and later raided the house then they kicked down my door upstairs and raided my house. During the raid they found some registered guns. I am not sure exactly what they did, but they took the guns and charged me with drug paraphernalia. They also charged my girlfriend with loitering in a drug house. Her case was dismissed and my case was dismissed. I was told that Sgt. Watkins is the only one that could issue my guns back to me. He also stated he would like to clear his record because he is still on probation for something that he did not do and he would like his registered guns back.

Vice-Chairperson Ramirez asked is this a two family flat apartment?

Mr. Lane stated yes.

Vice-Chairperson Ramirez asked did you make a formal complaint with the Office of the Chief Investigator?

Mr. Lane stated yes, and nothing came of that.

Supv. Inv. Cromwell stated I am not familiar with the case, but I will look into it.

Comm. Norris asked Supv. Inv. Cromwell if he could also help Mr. Lane obtain his guns back.

11. ADJOURNMENT

The meeting was adjourned at 3:50 p.m.

Respectfully submitted,

DANTE' L. GOSS
Executive Director
Board of Police Commissioners

DLG/kdw